IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 16450 of 2007(G)

PETITIONER:

1. ANILKUMAR, S/O KARUNAKARAN,
   AGED 51, SREEVILASAM, AMBALAKKARA HOUSE,
   KIZHAKKEKARA, KOTTARAKKARA, KOLLAM.

2. BAIJU.K., SREEVILASAM,
   AMBALAKKARRA BUNGLOW,
   THRIKKANANMANGAL, KOTTARAKKARA,
   KOLLAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
   KOLLAM.

2. THE DEPUTY DIRECTOR OF SURVEY AND
   LAND RECORDS, KOLLAM.

3. THE TAHASILDAR, KOTTARAKKARA.

4. THE ADDL. TAHASILDAR, KOTTARAKKARA.

5. DIRECTOR OF SURVEY AND LAND RECORDS
   DIRECTORATE. TRIVANDRUM.

BY G.P. SHRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.16450 of 2007

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Dated this the 1st day of August, 2007

J U D G M E N T

The petitioners challenge Exts.P4 and P5 notices issued under the Kerala Land Conservancy Act directing the petitioners to vacate the properties mentioned therein. Petitioners' contention is that the properties in question are not Government land and further, before issuing Exts.P4 and P5, the petitioners have not been afforded an opportunity of being heard. It is also submitted that in view of Ext.P3 letter from the Tahsildar to the District Collector, Exts.P4 and P5 could not have been validly issued.

2. The Government Pleader could not satisfy me that Exts.P4 and P5 have been preceded by any notice or hearing. He, however, submits that in view of Ext.P3 communication, it would be improper for any other officer below the rank of District Collector to deal with the matter. In the above circumstances,

this writ petition is disposed of with the following directions:

The 4th respondent shall forward Exts.P4 and P5 to the District Collector. The petitioners shall file objections to Exts.P4 and P5 within two weeks from today before the District Collector along with a copy of this judgment. The District Collector shall consider the matter after affording an opportunity of being heard, which shall include opportunity to adduce evidence also and pass a speaking order dealing with the contentions of the petitioners. While doing so, the District Collector shall take into account Ext.P3 issued by the third respondent. Petitioners shall not be evicted from the properties in question till two weeks after passing of final orders as directed above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.